

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMOS PARTNERS,

Plaintiff,

v.

BARNES & NOBLE, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 11-7-19

1:18-cv-07834 (JGK)

[PROPOSED] THIRD
AMENDED CIVIL CASE
DISCOVERY PLAN AND
SCHEDULING ORDER

JOHN G. KOELTL, United States District Judge:

Upon consideration of the parties' joint application that the discovery plan and scheduling order be amended and pursuant to Fed. R. Civ. P. 16(b), the Court hereby orders that the Second Amended Civil Case Discovery Plan and Scheduling Order entered August 9, 2019 be amended as follows:

Initial Discovery pursuant to the Initial Discovery Protocol for Employment Cases Alleging Adverse Action (the "Initial Discovery Protocol"), as amended by the parties: Due November 29, 2018, except that as to documents responsive to Sections IV. B.1 and B.10 and V. B.1 and B.14 of the Initial Discovery Protocol, the parties will begin production no later than November 29, 2018, and will complete such production no later than January 14, 2019.

Pleadings and Parties: Except for good cause shown:

1. No additional parties may be joined or cause of action asserted after December 6, 2018.
2. No additional defenses may be asserted after December 13, 2018.

Discovery: Except for good cause shown, all discovery shall be commenced in time to be completed by October 18, 2019. The expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made at least 14 days before the completion of discovery. Expert depositions will be conducted by the date for submission of the Pretrial Order/Motions in Limine.

Dispositive Motions:* Dispositive motions, if any, are to be completed by February 12, 2020. The parties are advised to comply with the Court's Individual Practice 2(B) regarding motions, and to submit one fully briefed set of courtesy copies to the Court.

Pretrial Order/Motions in Limine: A joint pretrial order, together with any motions in limine or motions to bifurcate, shall be submitted by January 31, 2020. As this is a non-jury case, the parties shall also submit proposed findings of fact and conclusions of law. The pretrial order shall conform to the Court's Form Joint Pretrial Order, a copy of which may be obtained from the Deputy Clerk.

* Note: In the event a dispositive motion is made, the dates for submitting the Joint Pretrial Order (together with Memoranda of Law, Requests to Charge, Proposed Voir Dire, Proposed Findings of Fact and Conclusions of Law, as appropriate) shall be changed from that shown above to six (6) weeks from the decision on the motion. The ready trial date shall be adjourned to a date ten (10) weeks after the decision on the dispositive motion. The final pretrial conference, if any, will be scheduled by the Deputy Clerk.

At any time after the ready for trial date, counsel must notify the Court and their adversaries in writing of any potential scheduling conflicts, including, but not limited to, trials and vacations, that would prevent a trial at a particular time. Such notice must come before counsel are notified by the Court of an actual trial date, not after. Counsel should notify the Court and all other counsel in writing, at the earliest possible time of any particular scheduling problems involving out-of-town witnesses or other exigencies.

Trial: The parties shall be ready for trial on 48 hours' notice on or after March 2, 2020. The estimated trial time is 5-7 days, and this is a non-jury trial.

SO ORDERED.

Dated: New York, New York

11/6/19.



JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE